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TIGARD CITY COUNCIL  
MEETING

DECEMBER 28, 2004 7:30 p.m.

TIGARD CITY HALL  
13125 SW HALL BLVD  
TIGARD, OR 97223



**PUBLIC NOTICE:**

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). It is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

**SEE ATTACHED AGENDA**

A G E N D A  
TIGARD CITY COUNCIL MEETING  
DECEMBER 28, 2004

7:30 PM

1. BUSINESS MEETING
  - 1.1 Call to Order - City Council & Local Contract Review Board
  - 1.2 Roll Call
  - 1.3 Pledge of Allegiance
  - 1.4 Council Communications & Liaison Reports
  - 1.5 Call to Council and Staff for Non-Agenda Items
  
2. PUBLIC HEARING (Quasi-Judicial) - ARBOR SUMMIT AND ADJACENT PROPERTIES ANNEXATION – ZCA 2004-0001 (Continued from December 14, 2004)

*(Note: The following was read by City Attorney Ramis when the hearing was opened on December 14, 2004)*

**REQUEST:** The applicant is requesting annexation of two (2) parcels containing 8.9 acres into the City of Tigard, better known as Arbor Summit Subdivision I and II. An additional 9.29 acres has been included by means of consent (Bella Vista Subdivision). The City is also including a 17.91 acre piece of the contiguous Summit Ridge Subdivision by using double majority, as allowed by Oregon Revised Statute 222.170.2, Effect of consent to annexation by territory. Therefore, this annexation is for eight (8) parcels totaling 36.1 acres. **LOCATION:** Eight contiguous properties located between SW Bull Mountain Road and SW Beef Bend Road, east of SW 133<sup>rd</sup> Avenue and west of Turnagain Heights; also known as Arbor Summit I and II, Bella Vista, and a portion of Summit Ridge Subdivisions. 12780 and 12950 SW Bull Mountain Road; 12525, 12635, 12655 and 12825 SW Beef Bend Road; and 2 unaddressed parcels. Washington County Tax Assessor's Map Numbers 2S109AD, Tax Lots 1400 and 1500; 2S109DA, Tax Lot 2200; and 2S109DD, Tax Lots 100, 102, 300, 306 and 7000. **ZONE:** R-7: Medium-Density Residential District. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally. **APPLICABLE REVIEW CRITERIA:** The approval standards for annexations are set out in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapter 222; and Metro Code Chapter 3.09.

- a. Continue Public Hearing from 12/14/04

- b. Declarations or Challenges
  - c. Summation by Jim Hendryx, Community Development Director  
- Review of written testimony received. Oral testimony was received on December 14, 2004.
  - d. Staff Recommendation
  - e. Council Questions
  - f. Close Public Hearing
  - g. Council Consideration: Ordinance No. 04-\_\_\_\_\_
3. REVISED CITY/TRIMET MEMORANDUM OF UNDERSTANDING (MOU)
- a. Staff Report: Jim Hendryx, Community Development Director
  - b. Council Discussion
  - c. Council Consideration: Adopt Memorandum of Understanding
4. PUBLIC HEARING – RESOLUTION TO ADOPT AMENDED MASTER FEES FOR LONG-RANGE PLANNING (Continued from December 14, 2004)
- a. Continue Public Hearing from December 14, 2004
  - b. Summation by Jim Hendryx, Community Development Director
  - c. Public Testimony
  - d. Staff Recommendation
  - e. Council Discussion
  - f. Close Public Hearing
  - g. Council Consideration: Resolution No. 04-\_\_\_\_\_
5. PUBLIC WORKS DEPARTMENT: MISSION/VALUES EXERCISE RESULTS
- a. Staff Report: Dennis Koellermeier, Public Works Director
6. REVIEW ADMINISTRATIVE ITEMS
- a. Review by: Bill Monahan, City Manager
7. ADJOURNMENT

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CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Annexation of properties with two options: (1) – Arbor Summit I & II and (2) Arbor Summit I & II plus other adjacent properties.

PREPARED BY: Mathew Scheidegger DEPT HEAD OK [Signature] CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Should the City Council approve one of the two proposed annexation options?

STAFF RECOMMENDATION

Staff recommends annexation of Arbor Summit I & II and other adjacent properties totaling 36.1 acres (Option #1).

INFORMATION SUMMARY

At the December 14, 2004 Council meeting, staff presented the Council with two options for annexation. Option #1 was eight parcels made up of the Arbor Summit I and II, Bella Vista, and a portion of the Summit Ridge Subdivisions totaling 36.1 acres. The second option (Option #2) was annexing just the Arbor Summit I and II subdivision properties equaling 8.9 acres. Several citizens of Bull Mountain testified at the hearing, one of which requested that the record be held open in order for those citizen that could not be at the hearing a chance to submit additional testimony for or against the requested annexation. Council agreed to keep the record open for a period of seven days in order for citizens to submit additional written testimony. Therefore, the record remains open until December 21, 2004, at which time the record closes. The applicant then has until December 28, 2004 to rebut any new testimony.

A separate memo will be provided before the December 28, 2004 hearing that summarizes new testimony, rebuttal and the modification of any findings if necessary. The applicant's rebuttal will be provided at the meeting. Copies of the testimony submitted at the December 14<sup>th</sup> meeting are included as Attachment #4.

**Option #1**

Approve the annexation of eight (8) parcels of approximately 36.1 acres into the City of Tigard through the double majority process.

**Option #2**

Approve the original annexation request of the two parcels of the Arbor Summit I and II Subdivisions.

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OTHER ALTERNATIVES CONSIDERED

Deny the request.

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Management Goal #2: Urban Services are provided to all citizens within Tigard's urban growth boundary and recipients of services pay their share.

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ATTACHMENT LIST

**Attachment 1:** Ordinance Option #1

Exhibit A: Legal Description

Exhibit B: Vicinity Map

**Attachment 2:** Ordinance Option #2

Exhibit A: Legal Description

Exhibit B: Vicinity Map

**Attachment 3:** Staff Report to the City Council

**Attachment 4:** December 14<sup>th</sup> Testimony (Isador Morgavi, Julie Russell, Ken Henschel)

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FISCAL NOTES

Application fees have been paid by the applicant.

## CITY OF TIGARD, OREGON

ORDINANCE NO. 2004-\_\_\_\_\_

**AN ORDINANCE ANNEXING 36.1 ACRES, APPROVING ARBOR SUMMIT ANNEXATION AND OTHER ADJACENT PROPERTIES (ZCA2004-00001), AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.**

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**WHEREAS**, the City of Tigard is authorized by ORS 222.120(4)(B) and 222.170 to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed; and

**WHEREAS**, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw properties which currently lie within the boundary of the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District upon completion of the annexation; and

**WHEREAS**, the Tigard City Council held a public hearing on December 14, 2004 to consider the annexation of eight (8) parcels of land consisting of 36.1 acres and withdrawal of said property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District; and

**WHEREAS**, pursuant to ORS 222.520(2) the City is liable to the Water District for certain debt obligations, however, in this instance the Water District has no debt for the City to assume, therefore, no option regarding the assumption of debt needs to be made; and

**WHEREAS**, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District on December 14, 2004; and

**WHEREAS**, pursuant to ORS 222.524, the City must declare the withdrawal of annexed properties from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District by Ordinance; and

**WHEREAS**, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; and

**WHEREAS**, the current zoning district is R-7, an existing City zone that has been adopted by the County and the zoning after annexation would remain R-7 so that no zone change is necessary; and

**WHEREAS**, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

**WHEREAS**, the City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed properties from the applicable service districts is in the best interest of the City of Tigard.

**NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:**

**SECTION 1:** The Tigard City Council hereby annexes the parcels described in the attached **Exhibit "A"** and shown in **Exhibit "B"** and withdraws said parcels from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District.

**SECTION 2:** This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

**SECTION 3:** City staff is directed to take all necessary measures to implement the annexation, including filing certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

**SECTION 4:** Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District shall be the effective date of this annexation.

**SECTION 5:** Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2005.

**SECTION 6:** In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

**PASSED:** By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Cathy Wheatley, City Recorder

**APPROVED:** By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Craig Dirksen, Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

## ANNEXATION DESCRIPTION

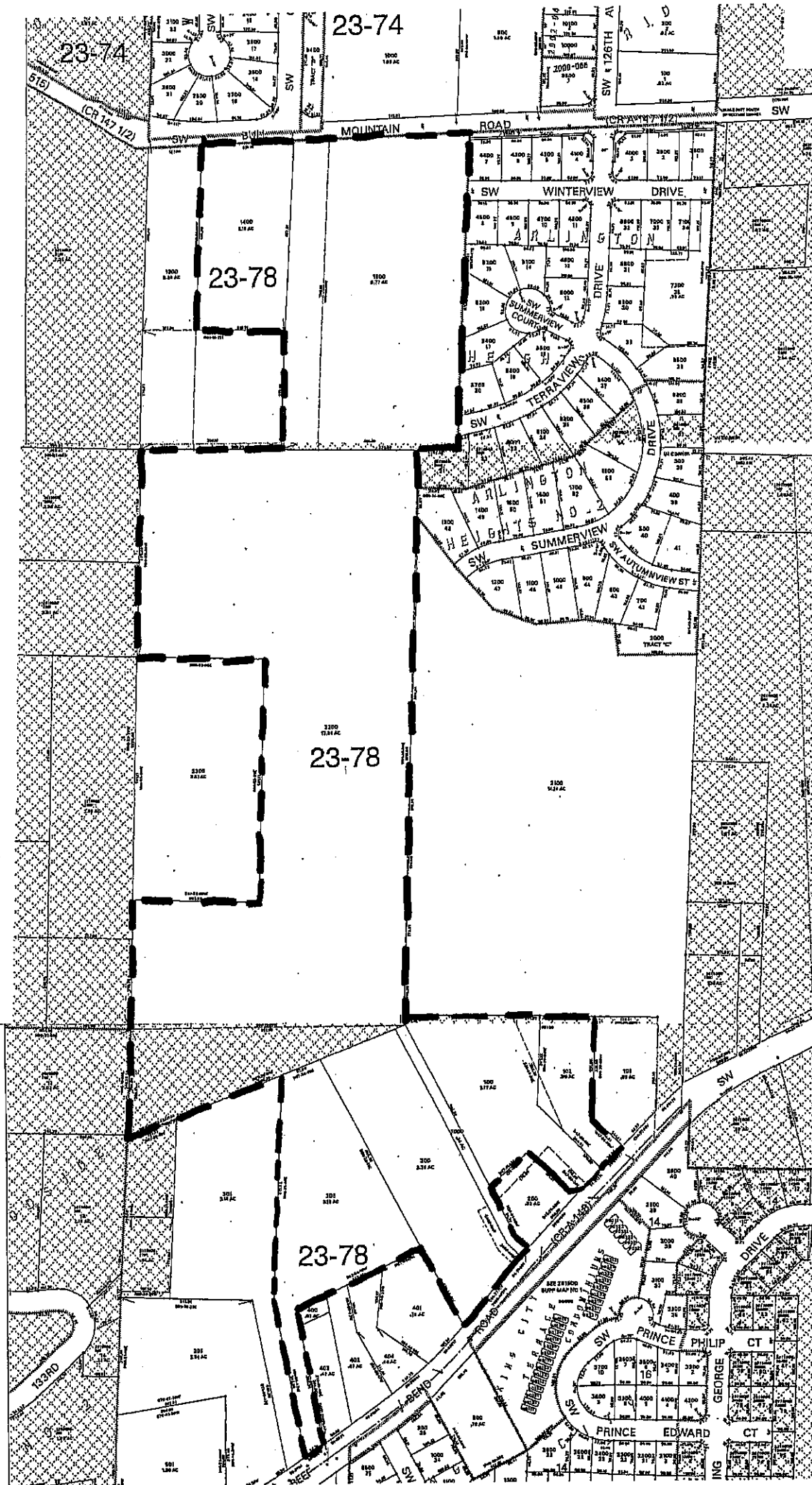
A tract of land situated in the Section 9, Township 2 South Range 1 West Willamette Meridian described as follows:

Beginning at the northwest corner of the subdivision plat of Arlington Heights being on the southerly right-of-way of SW Bull Mountain Road; thence N 01° 57' 48" E a distance of 13.03 feet to the southerly right-of-way of SW Bull Mountain Road; thence S 88° 04' 30" W, along said southerly right-of-way, a distance of 625.20 feet; thence S 01° 56' 56" W a distance of 426.22 feet; thence S 88° 56' 17" E a distance of 212.83 feet; thence S 02° 00' 00" W a distance of 274.12 feet; thence N 88° 49' 24" W a distance of 335.71 feet; thence S 01° 15' 49" W a distance of 475.19 feet; thence S 87° 59' 46" E a distance of 303.50 feet; thence S 01° 15' 46" W a distance of 561.57 feet; thence S 87° 59' 46" E a distance of 303.50 feet; thence S 01° 14' 45" W a distance of 298.88 feet; thence S 02° 27' 42" W a distance of 250.09 feet; thence N 69° 39' 06" E a distance of 400.35 feet; thence S 02° 25' 39" W a distance 514.32 feet; thence S 11° 57' 02" E a distance of 371.23 feet to the northerly right-of-way of SW Beef Bend Road and a point on a curve to the left; thence along said curve to the left with a radius of 1967.00 feet, a central angle of 1° 26' 18" (a chord which bears N 55° 57' 57" E, 49.38 feet) and a length of 49.38 feet; thence N 11° 57' 02" W a distance 317.08 feet; thence N 65° 00' 28" E a distance of 322.47 feet; thence S 28° 38' 14" E a distance of 205.97 feet to the northerly right-of-way of SW Beef Bend Road and a point on a curve to the left; thence along said right-of-way and said curve to the left with a radius of 967.00 feet, a central angle of 00° 04' 39" (a chord which bears N 40° 35' 14" E, 1.31 feet) and a length of 1.31 feet; thence N 40° 32' 54" E, said right-of-way, a distance of 206.72 feet; thence N 46° 22' 17" W, leaving said right-of-way a distance of 32.27 feet; thence N 28° 16' 04" W a distance of 132.02 feet; thence N 48° 34' 22" E a distance of 120.17 feet; thence S 46° 22' 17" E a distance of 126.72 feet; thence N 76° 46' 51" E a distance of 29.53 to the northerly right-of-way of SW Beef Bend Road and a point on a curve to the right; thence along said right-of-way and said curve to the right with a radius of 4033.00 feet, a central angle of 1° 26' 03" (a chord which bears N 44° 16' 04" E, 101.15 feet) and a length of 101.15 feet; thence N 44° 59' 11" E, along said right-of-way, a distance of 32.80 feet; thence leaving said right-of-way N 46° 22' 17" W a distance of 94.16 feet; thence N 01° 43' 13" E a distance of 231.86 feet; thence N 89° 41' 17" W a distance of 444.20 feet; thence N 02° 02' 19" E a distance of 117.39 feet; thence N 01° 28' 06" E a distance of 173.36 feet; thence N 02° 14' 47" E a distance of 134.59 feet; thence N 00° 00' 56" W a distance of 130.41 feet; thence N 01° 54' 35" E a distance of 389.30 feet; thence N 01° 11' 42" E a distance of 276.26 feet; thence N 89° 41' 55" W 2.82 feet; thence N 01° 49' 33" E a distance of 86.28 feet; thence S 88° 49' 24" E a distance of 92.48 feet; thence N 01° 56' 48" E a distance 721.21 feet to the point of beginning.

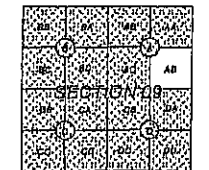
Containing 36.1 acres.



# EXHIBIT B



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.washington.or.us](http://www.co.washington.or.us)



Canceled Taxlots For: 8818AD  
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 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700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 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## CITY OF TIGARD, OREGON

ORDINANCE NO. 2004-\_\_\_\_\_

**AN ORDINANCE ANNEXING 8.9 ACRES, APPROVING ARBOR SUMMIT ANNEXATION (ZCA2004-00001), AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.**

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**WHEREAS**, the City of Tigard is authorized by ORS 222.120(4)(B) and 222.170 to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed; and

**WHEREAS**, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw properties which currently lie within the boundary of the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District upon completion of the annexation; and

**WHEREAS**, the Tigard City Council held a public hearing on December 14, 2004 to consider the annexation of two (2) parcels of land consisting of 8.9 acres and withdrawal of said property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District; and

**WHEREAS**, pursuant to ORS 222.520(2) the City is liable to the Water District for certain debt obligations, however, in this instance the Water District has no debt for the City to assume, therefore, no option regarding the assumption of debt needs to be made; and

**WHEREAS**, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District on December 14, 2004; and

**WHEREAS**, pursuant to ORS 222.524, the City must declare the withdrawal of annexed properties from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District by Ordinance; and

**WHEREAS**, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; and

**WHEREAS**, the current zoning district is R-7, an existing City zone that has been adopted by the County and the zoning after annexation would remain R-7 so that no zone change is necessary; and

**WHEREAS**, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

**WHEREAS**, the City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed properties from the applicable service districts is in the best interest of the City of Tigard.

**NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:**

**SECTION 1:** The Tigard City Council hereby annexes the parcels described in the attached **Exhibit "A"** and shown in **Exhibit "B"** and withdraws said parcels from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District.

**SECTION 2:** This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

**SECTION 3:** City staff is directed to take all necessary measures to implement the annexation, including filing certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

**SECTION 4:** Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District shall be the effective date of this annexation.

**SECTION 5:** Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2005.

**SECTION 6:** In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

**PASSED:** By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Cathy Wheatley, City Recorder

**APPROVED:** By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Craig Dirksen, Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

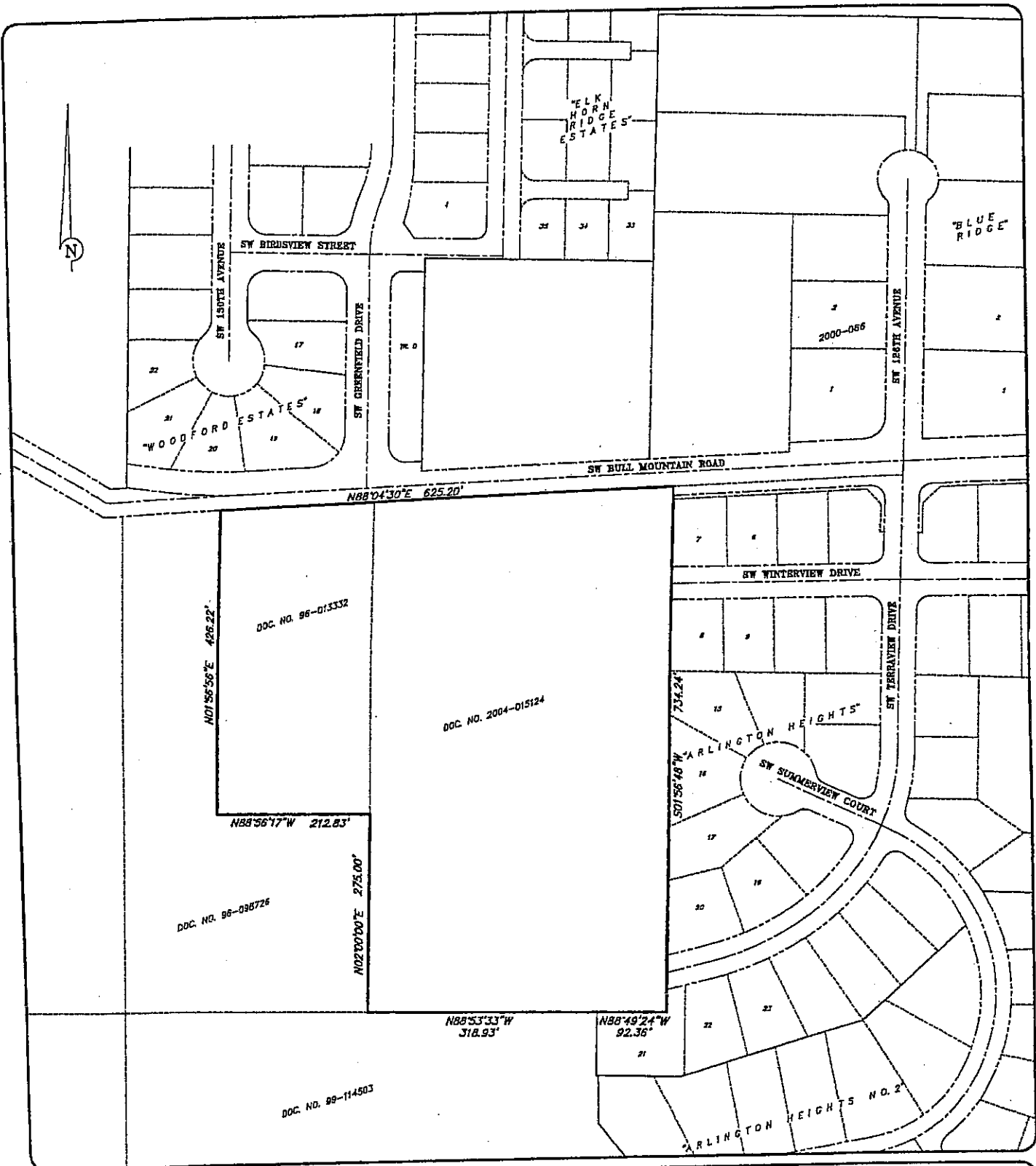


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www.ldcdesign.com

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**LEGAL DESCRIPTION FOR ANNEXATION**

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 9, T. 2 S., R. 1 W., W.M., WASHINGTON COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF LOT 21, "ARLINGTON HEIGHTS", THENCE N88°53'33"W, 318.93 FEET ALONG THE NORTH LINE OF THE TRACT OF LAND TO WILLIS DESCRIBED IN DOCUMENT NO. 99114503 OF THE DEED RECORDS OF SAID COUNTY TO THE SOUTHEAST CORNER OF THE TRACT OF LAND TO TIGARD-TUALATIN SCHOOL DISTRICT 23J DESCRIBED IN DOCUMENT NO. 96098726 OF SAID RECORDS; THENCE ALONG THE EAST BOUNDARY OF SAID TRACT, N02°00'00"E, 275.00 FEET; THENCE N88°56'17"W, 212.83 FEET; THENCE N01°56'56"E, 426.22 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF S.W. BULL MOUNTAIN ROAD; THENCE N88°04'30"E, 625.20 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF SAID PLAT OF "ARLINGTON HEIGHTS"; THENCE ALONG THE WEST BOUNDARY OF SAID PLAT, S01°56'48"W, 734.24 FEET; THENCE N88°49'24"W, 92.36 FEET TO THE POINT OF BEGINNING.  
CONTAINING 8.9 ACRES



DESIGN GROUP

MAY 12, 2004  
LDC JOB #3091

PREPARED FOR:  
WEST HILLS DEV. CO.

### DESCRIPTION SKETCH PROPERTY

A PORTION OF THE NORTHEAST 1/4 OF SECTION 9,  
T. 2 S., R. 1 W., W.M., WASHINGTON COUNTY, OREGON

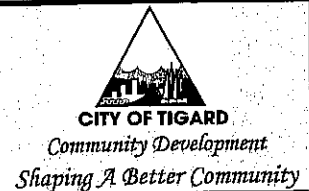
Agenda Item:

Hearing Date:

December 14, 2004

7:30 PM

**STAFF REPORT TO THE  
CITY COUNCIL  
FOR THE CITY OF TIGARD, OREGON**



**SECTION I. APPLICATION SUMMARY**

**FILE NAME:** ARBOR SUMMIT ANNEXATION  
**CASE NO.:** Zone Change Annexation (ZCA) ZCA2004-00001

**APPLICANT:** West Hills Development  
 15500 SW Jay Street  
 Beaverton, OR 97006

**OWNER:** Numerous Owners.  
 List is available upon request.

**PROPOSAL:** West Hills Development applied for approval to subdivide property on Bull Mountain Road, known as Arbor Summit I and II. The subdivision's approval included a condition of approval requiring annexation. West Hills applied for annexation of two parcels (Arbor Summit I and II) equaling 8.9 acres.

According to ORS 222.170, the City may include any contiguous property to the land proposed to be annexed if a majority of the owners of more than one half of the land in that territory consent in writing to the annexation. The Bella Vista Subdivision (SUB2002-00007) submitted a consent for annexation of 9.29 acres of land for which they received subdivision approval. Combined, Arbor Summit and Bella Vista total 18.19 acres.

Summit Ridge, a subdivision approved in 2004 lies between Arbor Summit and Bella Vista. Summit Ridge was required to annex at the time of final plat approval. Summit Ridge is contiguous to both Arbor Summit and Bella Vista. With the double majority process allowed by ORS 222.170, additional property can be added to the Arbor Summit and Bella Vista Subdivisions. Staff suggests adding 17.91 acres of parcels from the Summit Ridge Subdivision. Since there are no electors involved, the additional Summit Ridge land can be added under the double majority process. Adding Bella Vista and Summit Ridge to the annexation creates a more complete annexation.

Staff has presented the Council with two options for annexation. One is for Arbor Summit I and II. The other, as recommended by staff, includes the Bella Vista and a portion of the Summit Ridge Subdivision, along with Arbor Summit I & II.

**CURRENT  
ZONING  
DESIGNATION:** R-7, Medium Density Residential.

**EQUIVALENT CITY  
ZONING  
DESIGNATION:** R-7, Medium Density Residential. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

**LOCATION:** WCTM 2S109AD Tax Lots 01400 and 01500. (**Arbor Summit**)  
WCTM 2S109DA Tax Lot 02200. (**Summit Ridge**)  
WCTM 2S109DD Tax Lots 00100, 00102, 00300, 00306 and 07000. (**Bella Vista**)

**APPLICABLE  
REVIEW  
CRITERIA:** Community Development Code Chapters 18.320 and 18.390; Comprehensive Plan Policies 2 and 10; Metro Code Chapter 3.09; and ORS Chapter 222.

## **SECTION II. STAFF RECOMMENDATION**

Staff recommends that the Council find that the proposed annexation will not adversely affect the health, safety and welfare of the City. Therefore, staff recommends **APPROVAL** of the Annexation by adoption of the attached Ordinance (**OPTION 1**).

## **SECTION III. BACKGROUND INFORMATION**

**Site Information and Proposal Description:**  
West Hills Development applied for approval to subdivide property on Bull Mountain Road, known as Arbor Summit I and II. A condition of approval required annexation as a result. West Hills applied for annexation of Two parcels (Arbor Summit I and II) equaling 8.9 acres. According to ORS 222.170, the City may include any contiguous property to the land proposed to be annexed if a majority of the owners of more than one half of the land in that territory consent in writing to the annexation. The Bella Vista Subdivision (SUB2002-00007) submitted a consent for annexation of 9.29 acres of land for which they received subdivision approval. Combined, Arbor Summit and Bella Vista total 18.19 acres.

Summit Ridge, a subdivision approved in 2004 lies between Arbor Summit and Bella Vista. Summit Ridge was required to annex at the time of final plat approval. Summit Ridge is contiguous to both Arbor Summit and Bella Vista. With the double majority process allowed by ORS 222.170, additional property can be added to the Arbor Summit and Bella Vista Subdivisions. Staff suggests adding 17.91 acres of parcels from the Summit Ridge Subdivision. Since there are no electors involved, the additional Summit Ridge land can be added under the double majority process. Adding Bella Vista and Summit Ridge to the annexation creates a more complete annexation.

Staff has presented the Council with two options. One is for only Arbor Summit I and II. The other as recommended by staff includes the Bella Vista and a portion of the Summit Ridge Subdivision.

**Option #1**

Approve the annexation of eight (8) parcels of approximately 36.1 acres into the City of Tigard through the double majority process.

**Option #2**

Approve the original annexation request of two parcels of approximately 8.9 acres better known as the Arbor Summit I and II Subdivisions.

**Vicinity Information:**

The subject parcels are located south of SW Bull Mountain Road and north of SW Beef Bend Road.

**SECTION IV. APPLICABLE REVIEW CRITERIA AND FINDINGS**

The relevant criteria in this case are Tigard Comprehensive Plan Policies 2.1.1, 10.1.1, 10.1.2, and; Tigard Community Development Code Chapter 18.320.

Staff has determined that the proposal is consistent with the relevant policies of the Comprehensive Plan based on the following findings:

**Comprehensive Plan**

**Policy 2.1.1:** The City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.

This Policy requires an ongoing citizen involvement program. Interested parties and surrounding property owners within 500 feet have been notified of the public hearing and notice of the hearing has been published in a newspaper of general circulation. The site has been posted since November 02, 2004, and the hearing was announced at the December Focus on Tigard Television Show. There have been a number of opportunities for citizens to be involved in the decision making process.

**Policy 10.1.1:** The City shall review each of the following services as to adequate capacity, or such services to be made available, to serve the parcel if developed to the most intense use allowed, and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard. The services are: water, sewer, drainage, streets, police, and fire protection.

This Policy requires adequate service capacity delivery to annexed parcels. The City of Tigard Police, Engineering and Water Departments, NW Natural Gas, Tualatin Valley Fire and Rescue, have all reviewed the annexation request and have offered no objections. The subject parcels are part of three separate subdivisions. Services to the subject parcels have been addressed and conditioned within the reviews of the Arbor Summit, Summit Ridge and the Bella Vista Subdivision approvals. This policy has been complied with.

If required by an adopted capital improvements program ordinance, the applicant shall sign and record with Washington County a nonremonstrance agreement regarding the following: The formation of a local improvement district (L.I.D.) for any of the following services that could be provided through such a district. The extension or improvement of the following: water, sewer, drainage and streets. The formation of a special district for any of the above services or the inclusion of the property into a special service district for any of the above services.

No L.I.D.'s were required with the subject parcels, subdivision approvals. All services listed above have been conditioned to be constructed.



**The City shall provide urban services to areas within the Tigard urban planning area or with the urban growth boundary upon annexation.**

The City of Tigard has an urban services agreement with Washington County for those areas within the City's urban growth boundary. This policy has been complied with.

**Policy 10.1.2: approval of proposed annexations of land by the city shall be based on findings with respect to the following: the annexation eliminates an existing "pocket" or "island" of unincorporated territory; or the annexation will not create an irregular boundary that makes it difficult for the police in an emergency situation to determine whether the parcel is within or outside the city; the police department has commented upon the annexation; the land is located within the Tigard urban planning area and is contiguous to the city boundary; the annexation can be accommodated by the services listed in 10.1.1(a).**

This Policy pertains to boundary criteria for annexations. The property is adjacent to the Tigard City limits and does not create pockets or islands as shown on the annexation map included in this application. The City of Tigard Police Department has been notified of the annexation and has not provided any objection to it. Services to the subject property are addressed above.

#### **Community Development Code**

**Section 18.320.020: This Section addresses approval standards for annexation proposals:**

**All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area;**

Adequate service (water, sewer, drainage, streets, police, and fire protection) capacity is available to serve the annexed parcels. The City of Tigard Police, Engineering and Water Departments, NW Natural Gas, Tualatin Valley Fire and Rescue, have all reviewed the annexation request and have offered no objections. Additionally, the adequacy and availability of services was reviewed as part of the Arbor Summit, Summit Ridge and Bella Vista subdivision approvals. Therefore, this policy is satisfied.

**The applicable comprehensive plan policies and implementing ordinance provisions have been satisfied.**

Applicable Comprehensive Plan policies have been addressed above. Ordinance provisions were addressed during the individual reviews of the Arbor Summit, Summit Ridge and Bella Vista subdivisions. This standard has been met.

**Assignment of comprehensive plan and zoning designations. The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County's comprehensive plan map and zoning designations to the City designations which are the most similar. A zone change is required if the applicant requests a comprehensive plan map and/or zoning map designation other than the existing designations. (See Chapter 18.380). A request for a zone change can be processed concurrently with an annexation application or after the annexation has been approved.**

The subject property is in the Urban Service Area and is zoned R-7 medium density residential. The R-7 zoning designation is consistent with the original Washington County's R-6 zoning designation as shown in the table below. The City's zoning was adopted by the County with the City's R-7 zoning district. Therefore, the property does not need to be rezoned upon annexation. According to Section 18.320.020.C, the City's Comprehensive plan and zoning designations occur automatically and concurrently with the annexation.

**Conversion table.** Table 320.1 summarizes the conversion of the County's plan and zoning designations to City designations which are most similar.

TABLE 320.1  
CONVERSION TABLE FOR COUNTY AND CITY PLAN AND ZONING DESIGNATIONS

Washington County Land Use Districts/Plan Designation	City of Tigard Zoning	City of Tigard Plan Designation
R-5 Res. 5 units/acre	R-4.5 SFR 7,500 sq. ft.	Low density 1-5 units/acre
R-6 Res. 6 units/acre	R-7 SFR 5,000 sq. ft.	Med. density 6-12 units/acre
R-9 Res. 9 units/acre	R-12 Multi-family 12 units/acre	Med. density 6-12 units/acre
R-12 Res. 12 units/acre	R-12 Multi-family 12 units/acre	Med. density 6-12 units/acre
R-15 Res. 15 units/acre	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
R-24 Res. 24 units/acre	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
Office Commercial	C-P Commercial Professional	CP Commercial Professional
NC Neighborhood Commercial	CN Neighborhood Commercial	CN Neighborhood Commercial
CBD Commercial Business District	CBD Commercial Business District	CBD Commercial Business District
GC General Commercial	CG General Commercial	CG General Commercial
IND Industrial	I-L Light Industrial	Light Industrial ■

#### **Metro**

**Metro 3.09** requires the additional standards to be addressed in annexation decisions, in addition to the local and state review standards. These are addressed and satisfied as discussed below:

**Consistency with the directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;**

The processing has been done consistent with applicable Urban Service Provider agreements.

**Consistency with directly applicable provisions of urban planning or other agreement, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;**

The process required by the Development Code and Comprehensive Plan is consistent with the Urban Planning Agreement for annexations.

**Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;**

This has been discussed previously in this report and, as discussed, this criterion is satisfied.

**Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plans;**

Because the Development Code has been amended to comply with applicable Metro functional plan requirements, by complying with the Development Code and Comprehensive Plan, the annexation is consistent with the applicable Functional Plan and the Regional Framework plan.

**Whether the proposed changes will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;**

The proposed annexation will not interfere with the provision of public facilities or services because it is adjacent to existing city limits and services. Many services have been extended to the subject parcels as a result of earlier development.

**If the proposed boundary change is for annexation of territory to Metro, a determination by Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval;**

The subject property is already within the Metro boundaries.

**Consistency with other applicable criteria for the boundary change in question under state and local law.**

Consistency with other applicable criteria has been discussed previously in this report.

## **SECTION V. OTHER STAFF COMMENTS**

The City of Tigard Engineering, Building, Police Department, Tualatin Valley Fire and Rescue, Public Works, and Water Department have all reviewed this proposal and have offered no objections to annexation.

## **SECTION VI. AGENCY COMMENTS**

NW Natural Gas, Tri-Met Transit Development, Metro Land Use & Planning and Washington County have had the opportunity to review the proposal and have offered no objections.

**BASED ON THE FINDINGS INDICATED ABOVE, PLANNING STAFF RECOMMENDS APPROVAL OF ZONE CHANGE ANNEXATION (ZCA) 2004-00001 - ARBOR SUMMIT ANNEXATION (OPTION 1).**

  
PREPARED BY: Mathew Scheidegger  
Associate Planner

December 2, 2004  
DATE

  
APPROVED BY: Richard Bewersdorff  
Planning Manager

December 2, 2004  
DATE

Entered into the Record on 12.14.04By: ISADOR MORGAVIAgenda Item# 8 Exhibit 1

Isador W. Morgavi  
15145 SW 119<sup>th</sup> Ave.  
Tigard, OR 97224

I realize the need for brevity and have endeavored to be as concise as possible. However I was unable to learn beforehand how much time would be allowed and was therefore unable to time this presentation so I solicit your indulgence.

After 9 out of 10 Bull Mountain residents recently declined your invitation to come into the city, you Mr. Mayor, council members and officials from Metro and the county made remarks that indicated that there might be something on the horizon; something that would provide an opportunity to dispel the general atmosphere of acrimony and distrust that had developed.

There seemed to be a mutual desire to find a way to bring about a dialogue that would eventually allow everyone to achieve some, if not all of their aspirations. This new beginning was view skeptically by some and hopefully by the many who would like to see and end to hostilities.

Many will be disappointed by the annexation under consideration and will see it as a reaffirmation of the prior hard line that fostered the conflicts of the past. I feel certain that there are those in Metro and the county who will be dismayed at the apparent arbitrary "Damn the torpedoes" flavor of this action and the increased difficulty it will create for everyone to address our problems in a forthright and civil

manner that has full citizen involvement. It will most certainly bring the matter to the Land Use Board of Appeals.

Aside from the foregoing; there are other reasons to alter course.

Staff proposal is flawed by concluding that the 9.29 acres of property south of the 17.94 acres in Summit Ridge (tax lot 2S109DA-02200) is properly included in the total area for calculating the percent of effected property ownership. This area is neither adjacent to nor contiguous to Tigard. Documentation received did not include owner consent for these 17.94 acres be annexed. Therefore the total area to use for determination of the double majority approval is 27.23 acres and the 8.9 acres of Arbor Heights I & II is less than the 50% required by ORS 222.170.2.

All property in this matter is owned by developers and their consent to annexation was obtained early this year as a condition for their obtaining required permits. The legality of this practice is questionable; it is certainly not in keeping with the spirit of preserving the rights of residents to have a voice in their affairs. The developers will agree to anything, complete their development and then leave the community to suffer the lose of the rights that were prostituted by the developer and the city.

I believe the legislature recognized this in drafting ORS 222.170.2 that requires "The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent .....".

No "elector registered in the territory" has consented to this proposed annexation. Neither Riverside Homes nor West Hills Development is on the voter registration rolls.

This practice of "pre-consent" borders on blackmail and I ask that you provide me with your authority to do so. The Public Facilities and Service Assessment For Bull Mountain states in its recommendations 1 and 2 that the Urban Planning Area Agreement must be amended to allow this practice but such amendment has not been done.

The recommendations of the Executive Summary of the White Paper of the Bull Mountain Annexation Planning Subcommittee (approved on June 22, 2004) states, in part:

- a) Update the comprehensive Plan as soon as possible.
- b) Pursue a Public Facility Strategy /moratorium or other measures to slow or stop growth until the comprehensive Plan is updated.

None of this has been done.

The proposed annexation is highly irregular and though this per se is not prohibited, it must be reasonable. In *Portland General Electric v Estacada* the Oregon Supreme Court held that "It would be absurd to think that the legislature intended that a city would have carte blanche authority to reach out it's tentacles like an octopus and envelope property which in no wise was beneficial to the city or to the annexed property. If this were not so, there would be nothing to prevent cities from attaching to territories far removed from the city environs by a narrow strip as long as the

property was contiguous”

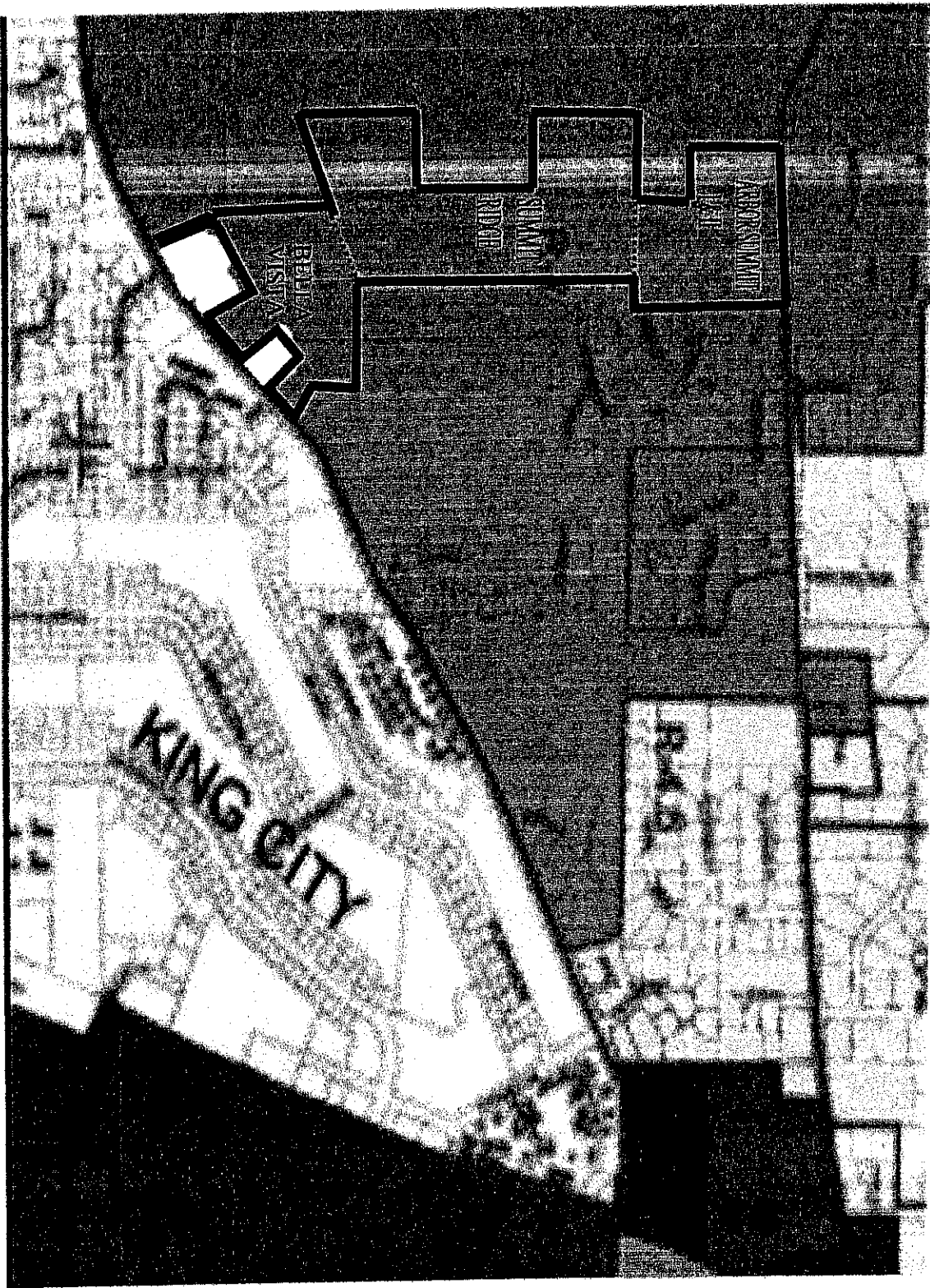
It further declared, “ ...the annexation at issue was unreasonable principally because it was employed for the sole purpose of enhancing the revenue of the city...”.

Aside for the revenue, it has not been shown that there is a need that this property be annexed, nor has there will be any benefit to the property owners; both of these are statutory requirements.

Since King City forms the southern edge of Tigard’s Urban Growth Boundary, the proposed annexation would effectively create 2 small islands at the south end of the area under consideration and a very large one to the east.

Please keep the public record open for at 15 business days.

Thank you.





We are fast approaching the end of a year that has been difficult for both Tigard and the Bull Mountain Community. We have all expended precious time and significant resources in an effort to accomplish what we each believed was best for our respective communities. It is unfortunate that as this year draws to a close, an atmosphere of tension lingers.

At this time of the year when peace on earth is a traditional theme, perhaps it's time to seek new ways to accomplish common goals. Perhaps it is a time to work to minimize conflict and think about how to foster a spirit of cooperation.

No doubt, we don't all share exactly the same vision for Tigard and Bull Mountain. Yet, as reasonable adults there is no reason we cannot work together toward finding mutually beneficial long-term solutions to the annexation issue.

We recognize Tigard's need for growth and the necessity to realize the maximum revenue from all sources. This provides the best financial base for the larger community. As well, we're confident that Tigard recognizes our commitment to maintaining a stable, livable community for the residents of Bull Mountain. These are not mutually exclusive objectives.

We recognize that the city of Tigard inherited some unfortunate land use decisions that were made years ago. We recognize that the solutions to these problems will require cooperation and assistance from other jurisdictions, but this will take time and effort. However, a more positive outcome is all but guaranteed if trust is first built and a spirit of cooperation is fostered... Imagine the possibilities.

A gesture in the right direction would begin with your delay on the piece-meal annexation proposed this evening; an annexation which offers no benefit to the residents of Bull Mountain; an annexation that only fuels the fire of bad will. The council was surprised recently at the

ease in annexing Alpine View. The reason... it was seen by the residents as a logical and efficient completion of the Tigard community, in stark contrast to the annexation proposed this evening.

We ask this evening that the council help us to help each other. The council has the opportunity this evening to take the first step. It will cost little to delay this annexation and will buy much in helping to create an environment where we can possibly work together in addressing the future of Bull Mountain as a whole community.

Thank you for your time and consideration. We wish you a Merry Christmas and Happy Holiday Season.

The election is over now, and the votes have been tabulated. On unincorporated Bull Mountain, 89% of the voters decided, for whatever reasons, that they don't want to be a part of Tigard at this time.

Yet, here we are again, talking about annexations on Bull Mountain.

I think that it's time for some very basic choices to be made. And you, Mayor Dirksen and Councilors, sit in the driver's seats, as you have the opportunity to choose the path for the future that makes the most sense for the community. I think that we can all agree on one thing...that the last 18 months have been no fun for any of us. People and events have seemed to spiral out of control, and tempers have flared on both sides of the table.

But you folks on the City Council have two very clear paths that you can take.

Path #1: You can continue the rhetoric in the press, that no matter what the residents want, you are going to gobble them up a bite at a time if necessary. You can continue proceedings like this one, annexing whatever you can, whenever you can. The consequences of these actions are inevitable. Not only will you further infuriate the 89% who voted against Tigard annexation, and invite more LUBA appeals, but you will begin the process of also angering the 11% of the voters who voted for annexation. If your goal is to anger 100% of unincorporated Bull Mountain, it seems that Path #1 is the way to go.

Path #2: Instead of watching your meager 11% support dwindle away to nothing, you can work to instead increase that 11% support. This can be done most effectively by the following actions:

First, stop rubbing salt in our wounds by these continued annexation attempts. There is no annexation so urgent that it can't wait for awhile. What's the big rush? Allow for a substantial cooling-off period. What will that hurt?

Next, begin really listening to the community. I don't think that you really understand the needs of the Bull Mountain residents. Get to know us. We don't bite (unless we're pushed too hard).

Then, change your mindset. Resolve that you're no longer going to force Bull Mountain into your city. Instead, resolve to create an environment that is so enticing that Bull Mountain residents want to be a part of Tigard. Wouldn't you rather we came to you asking you to be part of Tigard instead of fighting to stay out of Tigard?

These are your basic two choices. The residents of Bull Mountain are watching. Washington County is watching. Metro is watching. Other Cities in the area are watching. Everybody's watching.

Please, be leaders. Choose wisely which path you take, starting tonight. Because the path that you choose tonight will either pour more gasoline on the fire, or it will extend a much-needed olive branch.

Councilors...Mayor...Everybody's watching. Your call.

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Revised City/TriMet MOU

PREPARED BY: Duane Roberts DEPT HEAD OK  CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Should Council approve a revised City/TriMet Memorandum of Understanding (MOU) for improving local transit services?

STAFF RECOMMENDATION

Staff recommends Council approve the revised MOU as written.

INFORMATION SUMMARY

In 2003, Tigard became the first suburban city selected by TriMet as a target for local service and pedestrian improvements. In December of last year, Council considered and adopted a memo of understanding (MOU) with TriMet to formalize a partnership to plan for these improvements. Within the MOU, each party commits to working together during the next three years to put new ideas for local transit improvements into action. The agreement carries out Council's long term goal of improving access to transit.

Council's November 16, 2004, packet included a draft copy of revised MOU for Council's information and consideration. At the November meeting, Jim Hendryx indicated that staff would return to Council in December for adoption of the revised MOU. A copy of the new MOU is attached. Why change the MOU? As highlighted in the November 16<sup>th</sup> staff report, the reason for changing the MOU is twofold. First and most important is that the timeframe of the original MOU was tied to the completion date for Commuter Rail. The new MOU reflects the change in Commuter Rail startup to FY 07 from FY 06. Second, the new MOU includes some language changes requested by TriMet's legal office. None of these change the substance of the original agreement. A benefit to Tigard of revising the MOU as proposed is the additional year of transit agency time and attention the City will receive.

The updated MOU has been reviewed and approved by the City Attorney as to form.

OTHER ALTERNATIVES CONSIDERED

None considered.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Transportation and Traffic Goal #3, "Alternative modes of transportation are available and use is maximized."

ATTACHMENT LIST

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FISCAL NOTES

The agreement does not involve the obligation of City funds. Implementation of proposed capital improvements will depend on funding availability as part of each organization's annual budget process.

i/citywide/triMet.MOU.revised

**MEMORANDUM OF UNDERSTANDING**  
**DEVELOPMENT OF TIGARD ACCESS PLAN**  
**PLANNING**

Dated: October 7, 2004

Among: The Tri-County Metropolitan Transportation District of Oregon, a mass transit district organized under the laws of the State of Oregon ("TriMet")

And: The City of Tigard, a municipal corporation organized under the laws of the State of Oregon ("Tigard")

**RECITALS**

- A. TriMet owns and operates a public mass transit system serving the Portland metropolitan area including a rail system operating from the City of Gresham to the City of Hillsboro. Together with Washington County, TriMet is currently planning to construct the Wilsonville to Beaverton Commuter Rail Project ("Commuter Rail"), a 14.7-mile commuter rail line between Beaverton Transit Center and Wilsonville.
- B. Development of Commuter Rail in the Highway 217 corridor provides TriMet and Tigard with a unique opportunity to cooperatively achieve their common goals in the Tigard area (the "Area").
- C. TriMet and Tigard are committed to developing a Tigard access plan (the "Access Plan") to provide for a comprehensive process that will capitalize on the regional efforts surrounding Commuter Rail, in order to improve access, leverage public and private investments, and enhance and promote mobility options in the Area.
- D. This Memorandum of Understanding is intended to document the understandings of TriMet and Tigard with respect to development of the Access Plan.

**UNDERSTANDINGS**

1. **Development of Access Plan/Planning Coordination of Projects.** It is understood that TriMet and Tigard will meet regularly to develop the Access Plan which efforts shall entail coordination by the parties in planning for projects related to improving access to public transit in the Corridor. The particular projects selected for planning to be included in the Access Plan shall be subject to the mutual agreement of the parties. Types of projects to be included in the Access Plan may include, but not necessarily be limited to:

- Bus stop improvements
- Transit preferential improvements for buses

- Pedestrian access improvements
- Bike access improvements
- Public Information (maps, etc.)

In addition to development of the Access Plan, a final report prepared by the parties will identify longer term projects.

2. **Changes to Bus Routes:** It is understood that TriMet will examine and may implement changes to bus routes in order to improve access to public transit in the Area.

3. **Community Outreach:** It is understood that, in order to involve community members in all aspects related to the Access Plan, TriMet and the City will develop and implement a community outreach strategy targeted toward the diverse community and business members that comprise the Corridor.

4. **General Provisions:**

a. **Term:** This Memorandum of Understanding shall be in effect from December 1, 2004 through the opening of Commuter Rail, and may be extended by mutual agreement of the parties hereto.

b. **Withdrawal:** Either party may withdraw from this Memorandum of Understanding, without penalty or liability of any nature, by providing the other party to this Memorandum of Understanding with ninety (90) days prior written notice of its intent to do so.

c. **Independent Contractors; No Agency:** In connection with this Memorandum of Understanding, each party is an independent contractor for all purposes and will have no authority to bind or commit the other.

d. **No Third Party Beneficiaries:** TriMet and Tigard are the only parties to this Memorandum of Understanding, and as such are the only parties entitled to enforce its terms. Nothing in this Memorandum of Understanding gives or shall be construed to give or provide any benefit, direct, indirect or otherwise, to any third party unless such third party is expressly described by name in a modification or amendment to the Memorandum of Understanding, and such third party is intended by the parties hereto to be a beneficiary of such modification or amendment to this Memorandum of Understanding.

e. **Notices:** All notices and communications under this Memorandum of Understanding shall be directed to the representatives designated below:



For Tri-Met: Tom Mills  
Tri-Met  
4012 SE 17<sup>th</sup> Avenue  
Portland, Oregon 97202  
(503) 962-4883

For Tigard: Duane Roberts  
City of Tigard  
13125 SW Hall Blvd  
Tigard, OR 97223  
503-639-4171 ext 2444

Any notices or communications hereunder shall be in writing and deemed effective if deposited in U.S. Mail (Certified return receipt), hand delivered, or transmitted by facsimile with successful confirmation.

f. **Integration:** This MOU contains the entire agreement between the parties as to the subject matter of this MOU and the parties have no obligations except as expressly stated herein. Any waiver, consent, modification, amendment or change to the terms of this MOU must be in writing and signed by the authorized representatives of each party to be effective and binding.

**IN WITNESS WHEREOF**, the parties have executed this Memorandum of Understanding effective for the dates noted herein.

**TRI-COUNTY METROPOLITAN  
TRANSPORTATION DISTRICT OF  
OREGON (TRIMET)**

**CITY OF TIGARD**

By: \_\_\_\_\_  
Fred Hansen  
General Manager

By: \_\_\_\_\_  
Craig Dirksen  
Mayor

AGENDA ITEM # 4  
FOR AGENDA OF December 14, 2004

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

*Continued to 12/28/04*

ISSUE/AGENDA TITLE Adopt Amended Master Fees for Long Range Planning  
PREPARED BY: Jim Hendryx DEPT HEAD OK *[Signature]* CITY MGR OK *[Signature]*

ISSUE BEFORE THE COUNCIL

Adoption of a resolution amending Resolution No. 04-37 by amending and increasing certain land use planning fees.

STAFF RECOMMENDATION

Council directed staff to proceed with developing a long range planning fee to help off-set the costs of completing long range planning studies and projects. Staff recommends that Council adopt a resolution amending Resolution 04-37 and increase certain land use fees.

INFORMATION SUMMARY

In July 2003, Council discussed the potential of instituting an application fee that would support long range planning activities. The fee would help offset the cost of having outside resources involved in completing specialized planning studies or projects. Examples could include completing technical portions of the Comprehensive Plan update, Goal 5 related work, and the Downtown Improvement Plan.

How has the City funded such studies in the past? Typically, long range planning studies or projects have been funded with a combination of resources. For example, the *Washington Square Regional Center Plan*, adopted by Council in 2002, took 2 -3 years to complete. It involved considerable resources from the City (\$134,000). It also included funding from the State through the Transportation and Growth Management (TGM) program.

Long range planning studies vary in the amount of complexity and costs associated with any particular study or project. Where staff expertise exists and scheduling allows, City staff is assigned to complete particular projects.

At its May 18, 2004 Council work session, Council directed staff to proceed with developing a long range planning fee that would be in addition to existing planning fees. Basically, a "surcharge" would be paid at the time of submittal of specific land use applications. The intent of the long range planning fee is to offset some or all of the costs of completing long range planning studies. It would be used to help pay the costs of hiring consultants, temporary staff or interns for specific identified projects, not for general long range activities, such as direct costs of City personnel or capital and/or equipment needs of the City.

With minor exception, it is proposed that planning fees increase by 14.76% for the long range planning surcharge. The existing planning fees are based on average costs for processing a particular application. Costs

include direct personnel costs, materials, notices, etc. The new planning fees not only would include those costs, but would also include an amount to offset the cost of doing long range planning projects. The few planning fees that do not increase include specific appeals, blasting permits, hearing postponements, and plat name changes.

The proposed long range planning fee is anticipated to generate approximately \$30,000 - \$40,000 per year. Given the fact that the fees are based on permit activity, the actual revenue could fluctuate from year to year. The goal is to have a fund to complete such long range planning projects as the City determines are necessary through the budgetary process.

Public notification of the proposed fee was given in the Tigard Times. Additionally, individual developers who submitted any land use application proposed for inclusion within the last 2 years, were provided notice. Notice was also posted in the lobby at City Hall.

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#### OTHER ALTERNATIVES CONSIDERED

1. Take no action.
2. Delay action.

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#### VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

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#### ATTACHMENT LIST

Attachment 1: Proposed resolution  
Exhibit A: City of Tigard Fees and Charges Schedule  
Attachment 2: Memo to City Council dated November 29, 2004

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#### FISCAL NOTES

It is estimated that the long range planning fee could generate \$30,000 - \$40,000 per year. Actual amount of revenue is dependent upon permit activity.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-\_\_\_\_\_

A RESOLUTION AMENDING RESOLUTION NO. 04-37 BY AMENDING EXHIBIT A THERETO AND INCREEASING CERTAIN LAND USE PLANNING FEES.

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WHEREAS, the City Council has given direction to staff to determine the cost of recovering staff time and project costs for the Long Range program; and

WHEREAS, the current land use planning fees recover costs associated with the Current Planning program; and

WHEREAS, staff identified those land use planning fees that benefit from the Long Range Planning program; and

WHEREAS, Long Range Planning fees are to be spent for long range studies and may be used to hire consultants or temporary staff to assist with Long Range Planning projects; and

WHEREAS, funds will not be used not for off-setting direct staff costs; and

WHEREAS, the fund will grow over time to help offset project costs over several years; and

WHEREAS, staff has determined the amounts needed to recover the cost of the Long Range Planning program for each of the benefited land use planning fees,

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 04-37 is hereby amended by amending Exhibit A to that resolution to read as shown in Exhibit A hereto and incorporated by this reference.

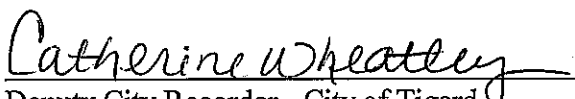
SECTION 2: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of December 2004.

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Mayor - City of Tigard

ATTEST:

  
Deputy City Recorder - City of Tigard

RESOLUTION NO. 04 -

Page 1

**City of Tigard  
Fees and Charges Schedule**

**EXHIBIT A**

Department	Revenue Source	Fee or Charge	Effective Date
<b>COMMUNITY DEVELOPMENT - PLANNING - Tigard &amp; Urban Services</b>			
	<i>Accessory Residential Units</i>	\$106.00	7/2/2004
		<b>\$122.00</b>	<b>12/14/2004</b>
	<i>Annexation</i>	\$2,006.00	7/2/2004
		<b>\$2,302.00</b>	<b>12/14/2004</b>
	<i>Appeal</i>		
	Director's Decision (Type II) to Hearings Officer	\$250.00	7/1/2003
	Expedited Review (Deposit)	\$300.00	7/1/2003
	Hearings Referee	\$500.00	7/1/2003
	Planning Commission/Hearing's Officer to City Council	\$2,016.00	7/1/2004
		<b>\$2,314.00</b>	<b>12/14/2004</b>
	<i>Approval Extension</i>	\$212.00	7/1/2004
		<b>\$243.00</b>	<b>12/14/2004</b>
	<i>Blasting Permit</i>	\$247.00	7/1/2004
	<i>Conditional Use</i>		
	Initial	\$4,174.00	7/1/2004
		<b>\$4,790.00</b>	<b>12/14/2004</b>
	Major Modification	\$4,174.00	7/1/2004
		<b>\$4,790.00</b>	<b>12/14/2004</b>
	Minor Modification	\$461.00	7/1/2004
		<b>\$529.00</b>	<b>12/14/2004</b>
	<i>Design Evaluation Team (DET) Recommendation (deposit)</i>	\$1,033.00	7/1/2004
		<b>\$1,185.00</b>	<b>12/14/2004</b>
	<i>Development Code Provision Review</i>		7/1/2004
	Single-Family Building Plan	\$42.00	12/14/2004
		<b>\$48.00</b>	
	Commercial/Industrial/Institution	\$264.00	
		<b>\$303.00</b>	

**City of Tigard  
Fees and Charges Schedule**

**EXHIBIT A**

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Expedited Review</i>		<i>7/1/2004</i>
	Land Partition	<del>\$3,107.00</del> <b>\$3,566.00</b>	<b>12/14/2004</b>
	Subdivision	<del>\$3,907.00 + \$83.00/Lot</del> <b>\$4,484.00 + \$83.00/Lot</b>	
	Subdivision with Planned Development	<del>Add \$5,722.00</del> <b>Add \$6,566.00</b>	
	<i>Hearing Postponement</i>	\$239.00	7/1/2004
	<i>Historic Overlay/Review District</i>		<i>7/1/2004</i>
	Historic Overlay Designation	<del>\$3,224.00</del> <b>\$3,700.00</b>	<b>12/14/2004</b>
	Removal Historic Overlay Designation	<del>\$3,224.00</del> <b>\$3,700.00</b>	
	Exterior Alteration in Historic Overlay District	<del>\$493.00</del> <b>\$566.00</b>	
	New Construction in Historic Overlay District	<del>\$493.00</del> <b>\$566.00</b>	
	Demolition in Historic Overlay District	<del>\$493.00</del> <b>\$566.00</b>	
	<i>Home Occupation Permit</i>		<i>7/1/2004</i>
	Type I	<del>\$32.00</del> <b>\$37.00</b>	<b>12/14/2004</b>
	Type II	<del>\$227.00</del> <b>\$260.00</b>	
	<i>Interpretation of the Community Development Code</i>	<del>\$488.00</del> <b>\$560.00</b>	<i>7/1/2004</i> <b>12/14/2004</b>
	<i>Joint Application Planning Fee</i>	100% of Highest Planning Fee + 50% of all Additional Fees Related to the Proposal.	7/1/2003

**City of Tigard  
Fees and Charges Schedule**

**EXHIBIT A**

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Land Partition</i>		<i>7/1/2004</i>
	Residential and Non-Residential (3 Lots)	\$2,992.00	<b>12/14/2004</b>
		<b>\$3,434.00</b>	
	Residential and Non-Residential (2 Lots)	\$2,462.00	
		<b>\$2,825.00</b>	
	Expedited	\$3,520.00	
		<b>\$4,039.00</b>	
	Final Plat	\$1,315.00	
		<b>\$822.00</b>	
	<i>Lot Line Adjustment</i>	\$383.00	<i>7/1/2004</i>
		<b>\$440.00</b>	<b>12/14/2004</b>
	<i>Minor Modification to an Approved Plan</i>	\$461.00	<i>7/1/2004</i>
		<b>\$529.00</b>	
	<i>Non-Conforming Use Confirmation</i>	\$217.00	<i>7/1/2004</i>
		<b>\$249.00</b>	<b>12/14/2004</b>
	<i>Planned Development</i>		
	Conceptual Plan Review	\$5,722.00	<i>7/1/2004</i>
		<b>\$6,566.00</b>	<b>12/14/2004</b>
	Detailed Plan Review	Applicable SDR Fee	<i>7/1/2003</i>
	<i>Plat Name Change</i>	\$250.00	<i>7/1/2004</i>
	<i>Pre-Application Conference</i>	\$296.00	<i>7/1/2004</i>
		<b>\$340.00</b>	<b>12/14/2004</b>
	<i>Sensitive Lands Review</i>		<i>7/1/2004</i>
	With Excessive Slopes/Within Drainage Ways/ Within Wetlands (Type II)	\$1,932.00	<b>12/14/2004</b>
		<b>\$2,217.00</b>	
	With Excessive Slopes/Within Drainage Ways/ Within Wetlands (Type III)	\$2,080.00	
		<b>\$2,387.00</b>	

**City of Tigard  
Fees and Charges Schedule**

**EXHIBIT A**

Department	Revenue Source	Fee or Charge	Effective Date
	Within the 100-Year Floodplaining (Type III)	<del>\$2,080.00</del> <b>\$2,387.00</b>	
	<i>Sign Permit</i>		<del>7/1/2004</del>
	Existing and Modification to an Existing Sign (No Size Differential)	<del>\$32.00</del> <b>\$37.00</b>	<b>12/14/2004</b>
	Temporary Sign (Per Sign)	<del>\$15.00</del> <b>\$17.00</b>	
	<i>Site Development Review &amp; Major Modification</i>		<del>7/1/2004</del>
	Under 100,000.00	<del>\$3,536.00</del> <b>\$4,058.00</b>	<b>12/14/2004</b>
	1 Million/Over	\$4,642.00 + \$5.00/\$10,000.00 over 1 Million <b>\$5,327.00 +</b> <b>\$5.00/\$10,000.00 over 1</b> <b>Million</b>	
	Minor Modification	<del>\$461.00</del> <b>\$529.00</b>	
	<i>Subdivision</i>		<del>7/1/2004</del>
	Preliminary Plat <u>without</u> Planned Development	<del>\$4,107.00 + \$83.00/lot</del> <b>\$4,694.00 + \$83.00/lot</b>	<b>12/14/2004</b>
	Preliminary Plat with Planned Development	Add <del>\$5,722.00</del> <b>Add \$6,540.00</b>	
	Final Plat	<del>\$1,315.00</del> <b>\$1,509.00</b>	
	<i>Temporary Use</i>		
	Director's Decision	<del>\$241.00</del> <b>\$277.00</b>	<del>7/1/2004</del> <b>12/14/2004</b>
	Special Exemption/Non-Profit	<del>\$0.00</del> <b>\$0.00</b>	<b>7/1/2003</b>



**City of Tigard  
Fees and Charges Schedule**

**EXHIBIT A**

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Tree Removal</i>	<del>\$150.00</del>	<del>7/1/2004</del>
		<b>\$172.00</b>	<b>12/14/2004</b>
	<i>Vacation (Streets and Public Access)</i>	<del>\$1,765.00 Deposit +</del>	<del>7/1/2004</del>
		<del>Actual Costs</del>	<del>12/14/2004</del>
		<b>\$2,017.00 Deposit +</b>	
		<b>Actual Costs</b>	
	<i>Variance/Adjustment</i>		<del>7/1/2004</del>
	Administrative Variance	<del>\$493.00</del>	<del>12/14/2004</del>
		<b>\$566.00</b>	
	Development Adjustment	<del>\$217.00</del>	
		<b>\$249.00</b>	
	Special Adjustments		
	Adjustment to a Subdivision	<del>\$217.00</del>	
		<b>\$249.00</b>	
	Reduction of Minimum Residential Density	<del>\$217.00</del>	
		<b>\$249.00</b>	
	Access/Egress Standards Adjustment	<del>\$493.00</del>	
		<b>\$566.00</b>	
	Landscaping Adjustments		
	Existing/New Street Trees	<del>\$248.00</del>	
		<b>\$285.00</b>	
	Parking Adjustments		
	Reduction in Minimum or Increase In Maximum Parking Ratio	<del>\$493.00</del>	
		<b>\$566.00</b>	
	Reduction in New or Existing Development/Transit Imprvmnt	<del>\$493.00</del>	
		<b>\$566.00</b>	
	Reduction in Bicycle Parking	<del>\$493.00</del>	
		<b>\$566.00</b>	

**City of Tigard  
Fees and Charges Schedule**

**EXHIBIT A**

Department	Revenue Source	Fee or Charge	Effective Date
	Alternative Parking Garage Layout	\$217.00 <b>\$249.00</b>	
	Reduction in Stacking Lane Length	\$493.00 <b>\$566.00</b>	
	Sign Code Adjustment	\$493.00 <b>\$566.00</b>	
	Street Improvement Adjustment	\$493.00 <b>\$566.00</b>	
	Tree Removal Adjustment	\$217.00 <b>\$249.00</b>	
	Wireless Communication Facility Adjustments		
	Setback from Nearby Residence	\$493.00 <b>\$566.00</b>	
	Distance from Another Tower	\$217.00 <b>\$249.00</b>	
	<i>Zoning Map/Text Amendment</i>		7/1/2004
	Legislative - Comprehensive Plan	\$7,134.00 <b>\$8,187.00</b>	12/14/2004
	Legislative - Community Development Code	\$2,804.00 <b>\$3,218.00</b>	
	Quasi-Judicial	\$2,570.00 <b>\$2,949.00</b>	
	<i>Zoning Analysis (Detailed)</i>	\$461.00 <b>\$529.00</b>	7/1/2004 12/14/2004
	<i>Zoning Inquiry Letter (Simple)</i>	\$53.00 <b>\$61.00</b>	7/1/2004 12/14/2004

## MEMORANDUM

### CITY OF TIGARD

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TO: Mayor and City Council

FROM: Jim Hendryx

DATE: November 29, 2004

SUBJECT: Long Range Planning Fees

#### Background

In July 2003, Council discussed the potential of instituting an application fee that would support long range planning activities. The fee would help offset the cost of having outside resources involved in completing specialized planning studies or projects. Examples could include completing technical portions of the Comprehensive Plan update, Goal 5 related work, and the Downtown Improvement Plan, etc. These sorts of projects are funded through the General Fund and are budgeted yearly. Outside funding sources, such as grants, are considered when available. An example is the recently awarded TGM grant that is funding a major portion of the Downtown Improvement Plan. The State contributed approximately \$120,000 toward this project, while the City contributed both an in-kind and cash match. A team of consultants was hired to develop an improvement plan for Downtown Tigard. The City lacked resources to entirely fund this sort of project within the time frame the community expects.

How has the City funded such studies in the past? Typically, long range planning studies or projects have been funded with a combination of resources. For example, the *Washington Square Regional Center Plan*, adopted by Council in 2002, took 2 -3 years to complete. It involved considerable resources from the City (\$134,000). It also included funding from the State through the Transportation and Growth Management (TGM) program. Another example involved the *Tigard Triangle Plan*, adopted by the Council in 1997. There were two previous efforts that occurred that were not approved by Council. This project took consultants at least three times to develop. The final project took approximately two years to complete and was totally funded by the City and did not involve outside funding.

Long range planning studies vary in the amount of complexity and costs associated with any particular study or project. Where staff expertise exists and scheduling allows, City staff is assigned to complete particular projects. A recent example included the *Bull Mountain Annexation Study* and the *Public Facilities and Assessment Report for the Bull Mountain Area*. Staff expertise and resources allowed both of these studies to be completed over a period of months.

Other studies and projects require additional resources due to the complexity or intensity of the project or study. The Downtown Improvement Plan is such an example. The scope of the project involves extensive citizen involvement, detailed traffic analysis, marketing research, and community design elements. Ultimately, the Improvement Plan could result in major revisions to the Comprehensive Plan and Community Development Code. Various components of this study are outside the ability and/or expertise of staff to perform.

#### Proposed Surcharge

At its May 18, 2004 Council worksession, Council directed staff to proceed with developing a long range planning fee that would be in addition to existing planning fees. Basically, a "surcharge" would be paid at the time of submittal of specific land use applications. The intent of the long range planning fee is to offset the costs of completing long range planning studies. It would be used to help pay the costs of hiring consultants, temporary staff or interns for specific identified projects, not for general long range activities, such as direct costs of City personnel or capital and/or equipment needs of the City. Exhibit A identifies application types where the long range planning fee would be paid.

With minor exception, planning fees were increased by 14.76%. The existing planning fees are based on average costs for processing a particular application. Costs include direct personnel costs, materials, notices, etc. The new fees not only would include those costs, but would also include an amount to offset the cost of doing long range planning projects. The few fees that did not increase included specific appeals, blasting permits, hearing postponements, and plat name changes.

The proposed long range planning fee is anticipated to generate approximately \$30,000 - \$40,000 per year. Given the fact that the fees are based on permit activity, the actual revenue could fluctuate from year to year. The goal is to have a fund to complete such long range planning projects as the City determines are necessary through the budgetary process.

Public notification of the proposed fee was given in the Tigard Times. Additionally, individual developers who submitted any land use application proposed for inclusion within the last 2 years, were provided notice. Notice was also posted in the lobby at City Hall. We have not received any comments from the public regarding the proposed fees.

#### Summary

In conclusion, Council has established a goal to evaluate all fees and charges in an effort to move toward having applications and services be fee supported. The long range planning fee is a step toward achieving this goal.

AGENDA ITEM # 5  
FOR AGENDA OF Dec. 14, 2004  
Continued to 12.28.04

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Public Works Department: Mission/Values Exercise Results

PREPARED BY: Brian Rager DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

The Public Works staff will report as to the results of a recent exercise conducted with the department.

STAFF RECOMMENDATION

No action required. Information only.

INFORMATION SUMMARY

The Public Works department has gone through some personnel changes over the last year, including changes in management staff. In addition, the department identified some key concerns related to the internal culture and environment and was seeking a process that would help to bring about a positive change. It was also a good time to evaluate how the external customers of the department view the service provided.

During the summer of 2004, the department began a process referred to as the Mission & Values Exercise. This process involved all Public Works staff and began with a department-wide setting where Staff (management and non-management) were mixed into six different discussion groups. These groups were facilitated by staff from other departments. The result of these group discussions, as well as follow-up discussions with Staff, is a new Mission Statement, Slogan and a set of Core Values for the Public Works Department.

OTHER ALTERNATIVES CONSIDERED

n/a

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

n/a

ATTACHMENT LIST

PowerPoint Presentation

FISCAL NOTES

Only minor printing costs for business cards, wall-mounted displays and door decals.

# Public Works Department

## Mission & Values Exercise Results

### A wise business man once said...

- "If you run your business this year the way you ran your business last year, you will not be in business next year."

Public Works: Mission & Values Exercise

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### Issues in Public Works:

- Changes in personnel
- Concern with internal culture: How do we treat each other?
- Concern with Customer Service: How are we doing?

Good opportunity to ask ourselves what we value and what our mission should be.

Public Works: Mission & Values Exercise

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### Mission & Values Exercise:

- Department-wide kickoff on June 29, 2004.
- Discussion groups included all staff.
- Facilitators recruited from other departments.
  - Non-biased help
  - Allowed supervisor/management staff to be mixed in the groups.

Public Works: Mission & Values Exercise

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### Mission & Values Exercise:

- We asked three primary questions:
  - "What are the most important things you value in the work environment?"
  - "What do you see as the Department mission?"
  - "How do you want to be treated by your coworkers?"

Public Works: Mission & Values Exercise

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### Discussion Results: Values

- |            |                           |
|------------|---------------------------|
| ■ Safety   | ■ Support from Management |
| ■ Respect  | ■ Leadership              |
| ■ Honesty  | ■ Professionalism         |
| ■ Humor    | ■ Quality Training        |
| ■ Laughter | ■ Fairness to All         |
| ■ Trust    | ■ Teamwork                |

Public Works: Mission & Values Exercise

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## Discussion Results: Mission

- Provide good, courteous, prompt service.
- Operate professionally.
- Maintain the City Infrastructure to the best of our ability.
- Go the extra mile.
- Provide a high-quality product.

Public Works: Mission & Values Exercise

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## Discussion Results: Treatment

- Respect
- Treat as equals (no favoritism)
- Fairness to all
- Be consistent
- Deal with individual problems; do not punish the whole group.
- Treat others as you want to be treated.
- Be friendly to one another.
- Be trustworthy.

Public Works: Mission & Values Exercise

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## Follow Up to Discussion

- Management staff developed drafts of Mission Statement, Slogan and list of Values.
- Managers met with each division to review drafts.
- Final All-Staff meeting on September 30, 2004
  - Final comments and changes
  - Celebration luncheon

Public Works: Mission & Values Exercise

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## Public Works Mission Statement

*"The Public Works Department proudly provides stewardship over the City's water, sanitary sewer, storm drainage, streets, fleet, buildings, and parks services in a safe, efficient, courteous and professional manner."*

Public Works: Mission & Values Exercise

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## Public Works Slogan

**"Taking care of the community"**

Public Works: Mission & Values Exercise

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## Public Works Core Values

Professionalism  
Respect  
Integrity  
Dedication  
Enthusiasm

Public Works: Mission & Values Exercise

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## Other Follow Up

- Public Works customer satisfaction survey.
  - Proposed for introduction after January 1, 2005.
- New clothing policy.

Public Works: Mission & Values Exercise

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## Next Steps:

- Slogan on PW business cards
- Slogan on door decals
- Make Mission Statement, Slogan and Core Values visible.
- Conduct our business in accordance with our Mission and Core Values.
- Mission and Values will become part of performance reviews.
- Review Mission & Values biannually.

Public Works: Mission & Values Exercise

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## Slogan: Door Decal Example



Public Works: Mission & Values Exercise

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